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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,889	03/01/2004	Mary Morabito O'Neill	03W124	2628

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EXAMINER

WYATT, KEVIN S

ART UNIT	PAPER NUMBER
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2878

MAIL DATE	DELIVERY MODE
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11/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/790,889	O'NEILL ET AL.	
	Examiner	Art Unit	
	Kevin Wyatt	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Appeal Brief filed on 07/30/2007. The previous Final Rejection has been withdrawn. A new Non-Final Rejection has been filed. Currently, claims 1-21 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vock (U.S. Patent No. 6,320,173 B1).

Regarding claim 17, Vock shows in Fig. 6A-B a method for locating a position of a feature in a scene, comprising the steps of forming an image (120, 142e, 152 or 154) of the feature using a segmented array (132, 140 or 150) having a plurality of array subelements, wherein each of the array subelements has an output signal (col. 7, lines 33-40); and cooperatively analyzing the output signals from at least two spatially adjacent array subelements to establish a data set reflective of an extent to which

output signals responsive to the image of the feature are produced from exactly one or from more than one of the adjacent array subelements, and to reach a conclusion from the data set as to a location of the image of the feature on the segmented array (col. 3, 13-25 and col. 7, lines 33-40).

Regarding claim 20, Vock shows in Figs. 6A-B a method wherein the step of providing a sensor (140 or 150) includes the step of providing a two-dimensional segmented array formed of a pattern of square array subelements, wherein four of the square array subelements meet at an intersection point, and wherein the step of forming an image includes the step of forming the image having a diameter of one blur diameter (the slightly blurred image of 142a-e, 152 or 154).

4. Claims 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Perregaux (U.S. Patent No. 6,654,056 B1).

Regarding claim 17, Perregaux discloses, a method for locating a position of a feature in a scene (document), comprising the steps of forming an image of the feature using a segmented array (10, i.e., photosensitive chip) having a plurality of array

subelements (100, i.e., photosite), wherein each of the array subelements has an output signal; and cooperatively analyzing the output signals (via electronic subsystem (ESS)) from at least two spatially adjacent array subelements to establish a data set

reflective of an extent to which output signals responsive to the image of the feature are produced from exactly one or from more than one of the adjacent array subelements and to reach a conclusion from the data set as to a location of the image of the feature on the segmented array (col. 14, lines 28-36).

Regarding claims 18, Perregaux shows in Fig. 4 the step of providing a sensor (10, i.e., photosensitive chip) includes the step of providing a one-dimensional segmented array formed of pairs of two adjacent array subelements (100, i.e., photosites).

Regarding claim 19, Perregaux shows in Fig. 5, a method wherein the step of providing a sensor includes the step of providing a two-dimensional segmented array formed of a pattern of intersecting array subelements.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hou (U.S. Patent No. 6,596,979 B2) in view of Coufal (Publication No. U.S. 2003/0053221 A1).

Regarding claim 13, Hou shows in Figs. 2A and 10, an imaging sensor system

comprising an optics system (208, i.e., rod lens array) that images a point feature of a scene at an image plane having a blur diameter (960, 968, 970, i.e., scanning dots); and a detector array (250, photodetector array) at the image plane, wherein the detector array is a one dimensional detector array or a two-dimensional detector array comprising a plurality of detector subelements, and wherein the detector subelements are sized responsive to the blur diameter. Hou does not explicitly disclose that the optics system that images a point feature of a scene at an image plane as a blur-circle image having a blur diameter. Coufal discloses that the optics system that images a point feature of a scene at an image plane as a blur-circle image having a blur diameter based on its optics system (paragraph 0089, lines 1-4). It would have been obvious to one skilled in the art to provide an optics system such as the one disclosed in Coufal to the device of Hou for the purpose of addressing the degree of imperfections of optical systems which lead to distortions of a scene imaged by an optical system.

Regarding claim 14, Hou further shows in Fig. 10, the detector subelements are square in plan view (col. 6, lines 39-40).

Regarding claim 15, Hou shows in Fig. 10, the detector subelements are rectangular in plan view (col. 6, lines 39-40).

Regarding claim 16, with respect to the inclusion of further explanation of the previous recitation regarding the specific length and/or dimension of the detector subelements in claims 16, it would have been included in the above discussion in view of "substantially" of the related elements or components, however, if not, it would have been obvious to one of ordinary skill in the art to make a selection of selecting specific

or a particular range, size and/or shape of elements combined in the system in order to provide more compact design of the system.

Regarding claim 21, Hou further shows in Fig. 10, that each detector subelement overlaps each of two adjacent detector subelements along their lengths by an amount that is responsive to the blur diameter.

7. Claims 1-5 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carnall, Jr. (U.S. Patent No. 5,065,245) in view of Hou (U.S. Patent No. 6,596,979 B2) and Coufal (Publication No. U.S. 2003/0053221 A1).

Regarding claim 1, Carnall, Jr. shows in Fig. 1 an imaging sensor system (10, i.e., modular image sensor array) a detector array at the image plane, wherein the detector array is a one-dimensional detector array comprising a plurality of detector subelements each having a width of from about $1/2$ to about 5 blur diameters, and a length of n blur diameters, wherein each detector subelement overlaps each of two adjacent detector subelements along their lengths, wherein an overlap of each of the two adjacent detector subelements is m blur diameters and a center-to-center spacing of each of the two adjacent detector subelements is n_0 blur diameters, and wherein n is equal to about $3m$ and m is equal to about $n_0/2$. Carnall, Jr. does not disclose an optics system that images a point feature of a scene at an image plane as a blur-circle image having a blur diameter. Hou shows in Fig. 2B, an optics system (208, optical lens 274) having a blur diameter (col. 5, lines 27-33), and Coufal discloses imaging a point feature of a scene at an image plane as a blur-circle image (due to inherent imperfections of its optics system, paragraph 0028, lines 1-4). It would have

been obvious to one skilled in the art to provide the optics system of Hou and the teachings of Coufal to the device of Carnall, Jr. for the purpose of providing a reliable means of focusing and aligning image onto the photodetector array taking into account the realized imperfections of the optics system.

Regarding claims 2-5, Carnall, Jr. further discloses the claimed invention as stated above. In addition, Carnall, Jr. shows in Fig. 1 a) subelements each have a width of about 1 blur diameter; b) n lies in a range of from about $(3m-2)$ to about $(3m+2)$, and m lies in a range of from about $(n_0/2-1)$ to about $(n_0/2+1)$; c) n lies in a range from $(3m-2)$ to $(3m+2)$, and m lies in a range of from $(n_0/2-1)$ to $(n_0/2+1)$; and d) n is equal to $3m$ and m is equal to $n_0/2$. Carnall, Jr. does not disclose an optics system that images a point feature of a scene at an image plane as a blur-circle image having a blur diameter. Hou shows in Fig. 2B, a) an optics system (208, optical lens 274) that images a point feature of a scene at an image plane as a blur-circle image having a blur diameter (col. 5, lines 27-33). It would have been obvious to one skilled in the art to provide the optics system of Hou to the proposed device of Carnall, Jr., discussed above, for the purpose of providing a reliable means of focusing and aligning image onto the photodetector array.

Regarding claims 6-10, with respect to the inclusion of further explanation of the previous recitation regarding the specific length and/or dimension of the detector subelements in claims 6-10, it would have been included in the above discussion in view of "substantially" of the related elements or components, however, if not, it would have been obvious to one of ordinary skill in the art to make a selection of selecting

specific or a particular range, size and/or shape of elements combined in the system in order to provide more compact design of the system.

Regarding claim 11, Carnall discloses the claimed invention as stated above. Carnall does not explicitly disclose a scanning mechanism that scans the one-dimensional detector array in a scanning direction perpendicular to the length of the detector subelements. Hou discloses a scanning mechanism that scans the one-dimensional detector array in a scanning direction perpendicular to the length of the detector subelements (col. 5, lines 39-42). It would have been obvious to one skilled in the art to provide a scanning mechanism as stated in Hou to the proposed device of Carnall, discussed above, for the purpose of recording entire image area of object scanned.

Regarding claim 12, Carnall discloses the claimed invention as stated above. Carnall does not explicitly disclose a scanning mechanism that includes a moving platform upon which the one-dimensional detector array is mounted. Hou suggests a scanning mechanism that includes a moving platform upon which the one-dimensional detector array is mounted (col. 5, lines 39-42). It would have been obvious to one skilled in the art to provide a scanning mechanism as stated in Hou to the proposed device of Carnall, discussed above, for the purpose of recording entire image area of object scanned.

Response to Arguments

10. Applicant's arguments, see pages 6-9, filed 03/02/2007, with respect to the rejection of claim 17 as anticipated by Hou, have been fully considered and are persuasive. The rejection of 17-21 has been withdrawn. In addition, upon further review and analysis of claim 1, line 13, the rejection of claims 1-4 and 11-12 as anticipated by Hou has been withdrawn.

11. Applicant's remaining arguments filed 03/02/2007 have been fully considered but they are not persuasive.

In response to applicant's argument regarding claim 13 that col. 10, lines 12-18 is not related to blur diameter, but simply a statement of the size of the scanning dot, that there is no disclosure in Hou of "an optics system that images a point feature of a scene at an image plane as a blur-circle image having a blur diameter", that Hou has no teaching of any of the argued material found at page 4, lines 4-19 of the Office Action, the examiner disagrees. Lines 1-3 of claim 13 are unpatentable over Hou due to the fact that the scanning dot (produced in part by the optics system used by the scanning apparatus, see Fig. 2B) would be considered by those skilled in the art to have an effect of at least slight blurring due to the inherent imperfections in all optical elements at the time of manufacture as described by Coufal in paragraph 0089, lines 1-2. Therefore, characteristically there appears to be no difference between what applicant refers to as a "blur diameter" in claim 13 and in paragraph 0034, and the characteristics of the scanning dots produced an optics system used in Hou.

In response to applicant's argument regarding claim 13, that Hou does not disclose a blur diameter and that Hou certainly does not disclose or suggest that the photodetectors are sized in any manner responsive to a blur circle, the examiner disagrees. First, Hou discloses what applicant recites as a "blur diameter" for the reasons stated above. Second, the sizes of the photodetectors are clearly responsive to what applicant refers to as a "blur circle" according to col. 9, lines 52-67, and col. 10, lines 1-18, the array of photodetectors are sized and arranged such that the scanning dot corresponds to a group of three adjacent detectors, and therefore exposure of the scanning dot to a particular point on the array produces an output from those three detectors. Therefore, they would be considered as being sized in a manner responsive to what applicant refers to as a "blur circle." Therefore, the examiner maintains that claim 13 is unpatentable over Hou in view of Coufal.

In response to applicant's argument that there is no suggestion to combine the references of Hou and Carnall due to the different geometries and analytical procedures taught by the two references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for combining the references suggested above has been filed in the

acknowledged motivation generally available to the examiner as one of ordinary skill in the art.

In response to applicant's requests regarding claims 1-5, to set forth the objective basis found in the references themselves for combining the teachings of the references, and for adopting only the helpful teachings of each reference and disregarding the unhelpful teachings of the reference, and to indicate where the assertion of the recited motivation of the rejection is found in the reference, the examiner submits that the objective basis for combining the references do not necessarily need to be found within the references themselves particularly if it is generally known to one of ordinary skill in the art at the time of invention that the combination of an optics system to a modular image sensor array would yield a predictable result such as providing focusing of object's image onto a photodetector array.

In response to applicant's arguments regarding claims 1-5, that there is no basis for adding in the teachings of Coufal In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Coufal makes an observation in paragraph 0089, lines 1-2, regarding the fabrication of

optics systems in general, where Coufal clearly states that the fabrication process results in some degree of imperfections (however slight) in all optical elements.

Assuming Coufal's observation to be well-known and widely accepted in the art, this finding would clearly apply to the scanning dots disclosed in Hou.

In response to applicant's arguments regarding claims 1-5, that, neither reference teaches or even mentions "blur-circle image" or "blur diameter" at all, in any way. The examiner disagrees. The term "blur-circle image" or "blur diameter" is not required to be explicitly recited in the prior art as long as the limitations which describe these terms are at least in combination disclosed by these references.

In response to applicant's request regarding claim 1, to indicate the precise source in Carnall for the limitations recited in claim 1, lines 2-3, and lines 5-7, these limitations are disclosed in Fig. 1, which bares the same geometric arrangement as what applicant shows in Figs. 3-4 and 6-9.

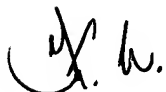
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Wyatt whose telephone number is (571)-272-5974. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571)-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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